



[Home](#) > [News](#) > A message from the Ombudsman

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by Iain Anderson

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1



COMMONWEALTH
OMBUDSMAN



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On Friday the Royal Commission into the Robodebt scheme will deliver its report to the Governor-General.

It is likely that the report will be published on Friday, possibly by midday.

The Robodebt scheme was a poorly conceived policy and a poorly implemented program that was ultimately held to be unlawful – but not before impacting the lives of hundreds of thousands of people who were asked to repay alleged overpayments of benefits.

We looked at the scheme, having received a number of complaints about it, and we published reports on it in 2017, 2019 and 2021.

We pointed to a number of problems in the way the scheme was administered.

It is likely however that the Royal Commission will say that we could have done more – in particular, that we could and should have publicly commented on the question of whether the scheme was lawful.

The fact that we did not do so is not a reflection on the Office's staff who carried out those investigations: they did good investigations, in difficult situations where agencies withheld documents and information that we had asked for, and they identified the legality of the scheme as an issue when they prepared our draft reports.

Ultimately my predecessors made difficult discretionary decisions as to what should be said in the final reports – which is something I similarly have to consider whenever we finalise a significant investigation and, while my role requires me to independently form opinions on issues, in my experience it is not necessarily straightforward deciding what to say about issues and what to publish.

The Robodebt scheme is also not a reflection on everyone who works or has worked in DSS or in Services Australia: many staff in those agencies were not involved in the development or administration of the scheme, and the Royal Commission heard from staff of those agencies who had tried to raise concerns about the scheme within their organisations and who were distressed about the scheme they were having to administer.

I will have more to say to you all about the Royal Commission's report and what we can learn from it, once I have read the report.

Ultimately there will be lessons for the whole APS, as well as suggestions for how we can best play our roles of helping complainants and helping the public sector to address problems and improve itself.

I anticipate posting a summary of the key findings on the intranet on Friday, and then holding a town hall meeting with all staff next week.

Regards,

Iain